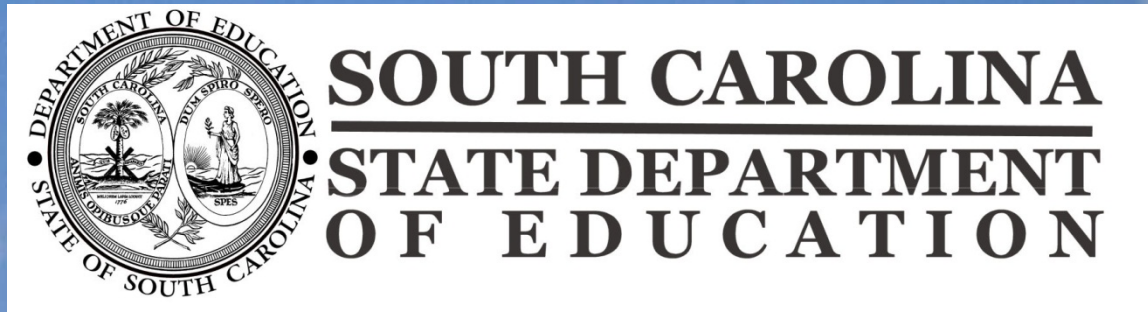



# Civil Rights Compliance: Methods of Administration




# The Selection Process

- 
- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ✦ Each year the State Department of Education is required to conduct a minimum of two site visits.
  - ✦ The sites are selected based on a *Targeting Plan*. The *Targeting Plan* is made up of various variables such as race, gender, disability, disproportionate enrollment, date of last visit, size of district, etc.
  - ✦ Self-Assessment
  - ✦ Letter of Finding (LOF)
  - ✦ Voluntary Compliance Plan (VCP)

# Why must we do this?

## It is the LAW!

- 
- The Statue of Liberty is visible on the left side of the slide, partially cut off. It is a green patina statue holding a torch in its right hand and a tablet in its left. The background is a blue sky with some white clouds.
- ✦ Any recipient receiving federal funds is required to follow all federal guidelines.
  - ✦ Each recipient receiving any type of federal assistance and offering Career and Technology education (CATE) can have all schools reviewed during the on-site visit.
  - ✦ Failure to comply with this process could mean that all federal funds can be withheld.



# What are Civil Rights?

Civil rights are personal rights guaranteed and protected by the U.S. Constitution and by subsequent acts of Congress.

They include, for example, the right to free speech, due process, equal protection of the laws and to be free from discrimination.


Source: [www.hhs.gov/ocr/newfaq/html](http://www.hhs.gov/ocr/newfaq/html)



The background of the slide is a photograph of the Statue of Liberty against a clear blue sky with scattered white clouds. The statue is positioned on the left side of the frame, with its torch held high.

# **What is the purpose of the Civil Rights Compliance Program?**


# Purpose

- 
- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ✦ To ensure that all students experience equal access, opportunities, guidance, support, and success in every aspect of their pre-Kindergarten through 12th grade public education.
  - ✦ To fulfill obligations of state education agencies (DOE) and assisting schools, districts, and educators to embrace the requirements and spirit of federal civil rights laws and South Carolina's Methods of Administration (MOA) required by the "Guidelines" of 1976.



# Purpose

## continued

- 
- The Statue of Liberty is visible on the left side of the slide, partially cut off by the edge. It is a green patina statue holding a torch in its right hand and a tablet in its left. The background is a blue sky with some white clouds.
- ✦ To ensure that school district policies, procedures and practices related to federal civil rights laws meet basic standards, are known about, and are workable.
  - ✦ To provide information, samples, or assistance regarding “best practices” in civil rights, nondiscrimination, and educational equity and diversity.

# Guidelines

Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap, March 21, 1979, Appendix B at 34 Code of Federal Regulations (CFR) 100

<http://www.ed.gov/about/offices/list/ocr/docs/vocre.html>

These guidelines are derived from and provide supplementary guidance concerning specific laws.





# Laws

Title VI of the Civil Rights Act of 1964 and the implementing departmental regulation (34 CFR Part 100), [Race, Color, National Origin]

Title IX of the Education Amendments of 1972 and the implementing departmental regulation (34 CFR Part 106), [Sex, Marital or Parental Status, Pregnancy]

Section 504 of the Rehabilitation Act of 1973 and the implementing departmental regulation (34 CFR Part 104), [Disability]

Title II of the American with Disabilities Act of 1990 (28 CFR Part 35), [Disability]



# Basic Civil Rights Requirements

- ✦ Administrative
- ✦ Site Location and Student Eligibility
- ✦ Recruitment of Students
- ✦ Admissions and Treatment
- ✦ Student Financial Assistance
- ✦ Counseling Programs
- ✦ Services for Students with Disabilities
- ✦ Accessibility and Facilities
- ✦ Comparable Facilities
- ✦ Work-Based Learning
- ✦ Employment Practices





# Administrative

Local Education Agencies (Recipients) must:

- ★ have policies and procedures prohibiting harassment and discrimination.
- ★ take continuing steps to notify students, applicants, parents, employees, and professional organizations that it does not discriminate on the basis of race, color, national origin, sex, or disability.

<http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>

<http://ed.sc.gov/agency/ac/Federal-and-State-Accountability/old/fp/ESOLTitleIII.html>

- ★ Notify the community of CATE offerings Prior to the beginning of the school year, recipients of CATE offerings—**Public Notification**




# Administrative

## continued


- ✦ designate at least one qualified employee to coordinate its efforts to comply with and carry out its responsibilities under Sections 504, Title II, and Title IX.
- ✦ notify the community of the name, address, and phone number of the designated employee(s).
- ✦ adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging discrimination based on sex, race, color, national origin, or disability.

# Site Location and Student Eligibility Criteria

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- The Statue of Liberty is visible on the left side of the slide, partially cut off by the edge. It is a green patina statue holding a torch in its right hand and a tablet in its left. The background is a blue sky with some white clouds.
- ★ A recipient may not select or use facilities, building sites, renovations, or residency requirements, student numerical limits, or other criteria that could result in disproportionately excluding students of a certain race, color, national origin, sex, or disability from participation in the education programs or activities.




# Recruitment of Students

- 
- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ★ Recruitment activities must not exclude individuals or limit opportunities on the basis of sex, race, color, national origin, or disability.
  - ★ Recruitment materials must not contain biased or stereotypical contents.
  - ★ Recruiting teams should, to the extent possible, represent the diverse populations of the district.




# Recruitment of Students

## continued

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- The Statue of Liberty is visible on the left side of the slide, partially cut off by the edge. It is a green patina statue holding a torch in its right hand and a tablet in its left. The background is a blue sky with some white clouds.
- ★ Recipients must ensure that counselors can communicate with Limited English Proficient (LEP) populations and person with sensory impairments.
  - ★ Recruitment materials must be available to and accessible to communities in their languages.

# Admissions and Treatment

- 
- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ✦ A recipient may not assess candidates for admission to educational (including CTE) programs or activities on the basis of race, color, national origin, sex, or disability.
  - ✦ A recipient must avoid preadmission inquiries about sex, race, national, origin, marital, parental, pregnancy, or disability status.
  - ✦ Recipients may not deny access to any (CTE) program to students with a disability or LEP on the basis that employment opportunities may be limited.

# Admissions and Treatment


## continued

- ★ Recipients may not restrict admission to CTE programs based on English language proficiency.
- ★ Recipients must have policies and procedures in place for identifying and serving Limited English Proficient students (must comply with state rule).
- ★ Recipients must have policies and practices that ensure that all students learn in an environment free of harassment, bias, stereotyping, or discrimination.
- ★ Accommodations are provided.





# Student Financial Assistance

- 
- The Statue of Liberty is visible on the left side of the slide, partially cut off. It is a green patina statue holding a torch in its right hand and a tablet in its left. The background is a blue sky with white clouds.
- ✦ Financial assistance is available to all students regardless of sex, race, color, national origin, or disability.
  - ✦ Sex-restricted awards are made only when established by legal instrument and also meet the requirements of Title IX.


# Student Financial Assistance

## continued

- ✦ Awards restricted on any other protected class status meet the requirements of the law.
- ✦ Information and selection criteria are free from bias and stereotyping.
- ✦ Information is available in a variety of languages and formats.




# Counseling Programs

- 
- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ✦ Counseling material and activities may not discriminate on the basis of race, color, national origin, sex, or disability.
  - ✦ Counselors must not direct students into programs nor measure their prospects for success based on race, color, national origin, sex, or disability.
  - ✦ Counselors may not direct students toward more restrictive or "traditional" career objectives based on protected class status.



# Counseling Programs

## continued

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- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ★ Recipients must ensure that disproportionate enrollments do not result from their own practices, procedures, or programs that may have a discriminatory affect [regular self-evaluation].
  - ★ Recipients must take steps to reduce disproportionate enrollments in elective classes.

# Services for Students with Disabilities

- ★ No qualified person with a disability may be denied access to, or benefits from any course, program, service, or activity on the basis of their disability.
- ★ Related instructional aids or adaptations must be available as necessary.
- ★ Recipients must identify, evaluate, and place students with disabilities through a process that includes persons knowledgeable about the student, as well as the student's parent or guardian. [Free and Appropriate Public Education (FAPE)]



# Services for Students with Disabilities

## continued

- ✦ Students with disabilities must be placed in the educational setting most appropriate for the student's individual needs.
- ✦ Recipients must place students with disabilities according to the provision of Section 504.
- ✦ Tests of academic achievement must measure abilities and achievement rather than of disability.
- ✦ Housing must be provided regardless of race, color, national origin, sex, or disability and meet the needs of disabled persons.





# Accessibility

- ✦ June 4, 1977 to January 17, 1991: American National Standards Institute, Inc. (ANSI), A117.1-1961 (R1971)
- ✦ January 18, 1991 to January 26, 1992: Uniform Federal Accessibility Standards (UFAS)
- ✦ January 27, 1992 to Present: UFAS or ADA Standards for Accessible Design

# Accessibility

## continued

Standards for construction initiated or altered between 6/4/1977 and 1/18/1991: American National Standard Institute (ANSI)

- ★ Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient, is readily accessible and usable by persons with disabilities.

Standards for existing facilities construction or alteration initiated before 6/4/1977: No standards

- ★ A recipient is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons conducted must be readily accessible.





# Comparable Facilities


- ✦ Separate programs or facilities for students with disabilities or LEP must be comparable to those of students without disabilities or LEP.
- ✦ Changing rooms, showers, and other facilities for students of one sex, students with disabilities, or LEP must be comparable to those of other students.






# Work-Based Learning

including apprenticeship

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- The Statue of Liberty is visible on the left side of the slide, partially cut off by the edge. It is a green patina statue holding a torch in its right hand and a tablet in its left. The background is a blue sky with white clouds.
- ★ Opportunities in work study, cooperative education, and job placement programs must be available to all students, regardless of race, color, national origin, sex, or disability.
  - ★ Recipients must inform and ensure that prospective employers do not discriminate on the basis of race, color, national origin, sex, or disability.


# Work-Based Learning

including apprenticeship  
continued

- 
- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ★ Recipients may not enter into agreements for apprenticeship or other work-based training with any entity that discriminates on the basis of race, color, national origin, sex, or disability.
  - ★ Written agreements must include assurances of nondiscrimination.
  - ★ Recipients have an obligation to reduce isolation and segregation based on protected class status in work-based learning.




# Employment of Faculty and Staff

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- The Statue of Liberty is visible on the left side of the slide, partially cut off. It is a green patina statue holding a torch in its right hand and a tablet in its left. The background is a blue sky with white clouds.
- ✦ Employment policies and practices may not discriminate on the basis of race, color, national origin, sex, or disability.
  - ✦ Employment policies and practices may not result in segregation, exclusion, or other discrimination against students.
  - ✦ Recipients may not make pre-employment inquiries based on race, sex, national origin, disability, marital, or parental status.



# Employment of Faculty and Staff

## continued

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- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ✦ All faculty and staff sources must be notified regularly of nondiscrimination policies.
  - ✦ Salary schedules must reflect conditions and responsibilities of employment, not discrimination.
  - ✦ All positions must be open to qualified candidates with reasonable accommodation provided. Notice of this must be provided as well.

# Resource Links

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- A partial view of the Statue of Liberty, showing the torch and the upper part of the statue, set against a blue sky with clouds.
- ✦ Office for Civil Rights,  
[www.ed.gov/about/offices/list/ocr/docs/vocre.html](http://www.ed.gov/about/offices/list/ocr/docs/vocre.html)
  - ✦ American National Standards Institute, Inc. (ANSI), A117.1-1961 (R1971). Out of print; possibly available in libraries.
  - ✦ Uniform Federal Accessibility Standards (UFAS),  
[www.access-board.gov/ufas/ufas-html/ufas.htm](http://www.access-board.gov/ufas/ufas-html/ufas.htm)
  - ✦ Americans with Disabilities Act (ADA),  
[www.ada.gov](http://www.ada.gov)  
800-514-0301 Voice  
800-514-0383 TTY

The Statue of Liberty is partially visible on the left side of the slide, showing its torch and crown against a blue sky with clouds.

# **Patrice T. Green**

## ***Civil Rights and Nontraditional Programs***

**Office of Career and Technology Education  
South Carolina Department of Education**  
<http://ed.sc.gov/agency/offices/cate>

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